

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA, :
: Criminal No. 06-773-02 (FSH)
v. :
: **ORDER**
ASHISH PAUL :
: Defendant. :
:

HOCHBERG, District Judge

This matter having come before the Court by Defendant Ashish Paul, appearing *pro se*, by petition filed July 19, 2012 [docket #136] requesting the Court to enter an Order granting him credit for time served and an Order staying any removal proceedings by the Department of Homeland Security; and the Court having received and reviewed opposition from the Government filed September 24, 2012 [docket #138]; and for good cause shown;

IT IS on this 10th day of January, 2013;

ORDERED that the Defendant's request for an Order granting him credit for time served is hereby **DENIED**¹; it is further

ORDERED that the Defendant's request to stay his immigration proceedings is hereby **DENIED**².

s/ Faith S. Hochberg
United States District Judge

¹ "House arrest imposed as a condition of pretrial release is not 'official detention.'" *United States v. Wickman*, 955 F.2d 592, 593 (8th Cir.1992); *Edwards v. United States*, 41F.3d 154, 156 (3d Cir. 1994).

² Defendant's request to stay his immigration proceedings will be denied as it has not been filed in the appropriate court. Defendant's appeal to the Supreme Court is made from the Circuit Court. In addition, it relates to a court under the Department of Homeland Security. Accordingly, Defendant should file his request for a stay with either: (a) the Department of Homeland Security; (b) the Third Circuit, *see* Fed. R. App. P. 41(d)(2); *see, e.g., Chehazeh v. Att'y Gen.*, 666 F.3d 118, 125 n.10 (3d Cir. 2012) (noting that appellate court has stayed "removal proceedings pending the outcome of this appeal"); or (c) a Justice of the Supreme Court pursuant to Supreme Court Rule 23.